



Governor Terry E. Branstad

Lt. Governor Kim Reynolds

San Wong, Director

JUVENILE JUSTICE ADVISORY COUNCIL

"To advocate for an effective, fair and equitable justice system for every Iowa youth."

MINUTES OF REGULAR MEETING

Polk County River Place

2309 Euclid Avenue, Conf. Room 3A

Des Moines, IA 50310

Thursday, September 3, 2015

Present: Joel Illian, Chair; Christy Burkhardt; Hon. Stephen Clarke; Karyn Finn; Wayne Ford; Chad Jensen; Jeremy Kaiser; Roy Klobnak; Dillon Malone; Bill Ocker; Carl Smith; Jennifer Tibbetts; Julie Walton; Jeralyn Westercamp

Staff: San Wong, Director; Steve Michael, Div. Administrator; Scott Musel; Dave Kuker; Kathy Nesteby; Julie Rinker

Others: Cathy Engle; Anna Hyatt-Crozier; Bill Freeland; Jessica Kropf; Kenneth Ohms; Tom Southard; Alice Wisner

I. Call to Order

• Changes and Approval of Agenda

Joel Illian, Chair, called the meeting to order at 10:03 a.m. A quorum was present. Introductions were made. **Judge Stephen Clarke moved to approve the agenda, seconded by Roy Klobnak. The motion was unanimously approved.** Illian noted that the agenda may be taken out of order depending upon the arrival time of AMP youth members.

II. Approve Minutes

Carl Smith moved to approve the minutes from the June 4th meeting, seconded by Judge Stephen Clarke. The motion was unanimously approved.

III. Division Update/National Update

Steve Michael, Division Administrator, reviewed the following:

- Staff changes: Sarah Johnson's duties have expanded to include research, grants, and supervision of AmeriCorps staff; Tammi Blackstone has been hired as Coordinator for the Criminal Justice Information Systems project; Kile Beisner has accepted a position as CJJR Research Coordinator, her former position has been posted.
- The state budget process has begun for FY17.
- Juvenile justice-related federal grant applications have been submitted. If awarded, the grants would provide programming and/or system changes for disconnected youth (Performance Partnerships Pilot) and planning/community supports for youth returning home from the State Training School or group care (Juvenile Reentry). Grant recipients should be announced by the end of September.
- A planning grant has been awarded for deep-end girls (Iowa Girls' Justice Initiative).

- Governor Branstad has announced the formation of a workgroup to address minority disparity in the justice system. Although CJJP was not mentioned, staff will attend meetings and provide information if requested.
- CJJP staff attended the Chief JCO retreat to discuss collaborative opportunities.
- Reauthorization of the JJDP Act – The bill has passed the Senate Judiciary Committee chaired by Senator Chuck Grassley. The most significant changes relate to the use of the Valid Court Order (VCO) exception which Iowa does not have. Dave Kuker was optimistic that a version of the bill would eventually be approved by the House.
- Joel Illian reported on his attendance at the Coalition for Juvenile Justice national conference and meetings with Iowa's federal legislators in Washington, DC. He reviewed conference sessions on relationship building between youth and law enforcement and ways to further involve state advisory groups. He noted the amount of support for the JJDP Act and respect for Iowa. Illian suggested sending more than one attendee next year.

IV. Council Budget Report

- **Travel Requests**

Scott Musel reported that a balance of \$9,789.07 remains. The funds expire in 2017. Outstanding expenses include registrations for last week's NAACP Summit on Justice & Disparities.

Discussion centered on using the funds for other conferences and for holding electronic meetings. An October conference in Cedar Falls was recommended. The conference agenda focuses on the adult criminal justice system and minority overrepresentation, there is no registration fee.

Jennifer Tibbetts asked about out-of-state conferences. Musel suggested she provide a summary of costs and conference agenda. If needed, approval could be given by the Executive Committee.

Judge Stephen Clarke moved to approve using the funds for council member attendance at the October summit, seconded by Christy Burkhart. The motion was unanimously approved.

Electronic/virtual meetings will be added to the December meeting agenda.

V. Youth Rights & Responsibilities Handbook

Musel reported that the handbook has been reviewed by Drake University law students. He asked members to review and submit corrections by Friday, September 18. Once completed, CJJP will seek printing estimates and upload an electronic version to the website. A smart phone app will also be pursued.

Wayne Ford suggested the handbook include information on race relationships and police encounters. Judge Clarke concurred.

VI. Election of Executive Committee: Member-at-Large

Illian stated that the Executive Committee is comprised of five members: chair, vice chair, Policy & Program (PnP) Subcommittee chair, and two at-large members. He asked for nominations:

Judge Clarke nominated Karyn Finn, seconded by Illian.
Carl Smith nominated Wayne Ford, seconded by Illian.

Votes, taken by secret ballot, were counted. Finn received 7 votes, followed by Ford with 5. Finn will serve as an at-large member.

VII. Policy & Programs Committee Legislative Action Plan

Musel reviewed a handout listing previously discussed topics and asked members to prioritize issues: gender equity services for deep end girls; mental health/substance abuse (services for youth in treatment facilities); overrepresentation (esp. at the front end); evidence-based practices; disciplinary exclusion of youth from school; use of restraints and seclusion of youth in treatment facilities (data collection and staff development focusing on positive behavioral support alternatives).

There was consensus to send the entire list to the PnP for further consideration. Additional topics included:

- Reduce JCO caseloads to allow more time to build relationships with kids, incorporating an individual and flexible approach
- Reduce costs for phone calls made by State Training School residents
- Citation in lieu of arrest
- Modification of racial impact statement law
- Review/reduce the use of shackles on youth while in the courtroom
- Teaching youth etiquette and decorum in the courtroom
- Third grade retention (Iowa Code 279.68)

[The council recessed for lunch from noon to 12:55 p.m.]

VIII. Current Activities

Priority Three: Disproportionate Minority Contact

Goal 1: Reduce Disproportionate Minority Contact at front end juvenile justice system processes.

Wayne Ford, DMC Chair, provided an update on DMC objectives. He discussed concerns regarding the school-prison pipeline, cultural competency, ways in which men treat women, Georgetown training, and the Detention Screening Tool.

Dave Kuker offered to have Sarah Johnson, CJJP, attend the December meeting to discuss minority impact statements.

[Wayne Ford departed the meeting at 1:15 p.m.]

IX. Achieving Maximum Potential (AMP) Presentation

Three AMP youth members and their facilitators joined the meeting. (AMP is the statewide foster youth council.) The youth members spoke about their experiences in the juvenile justice system. Three handouts were shared with council members regarding youth needs, wants, and concerns. One of the handouts was developed by the Woodward Academy AMP council to share their concerns on system improvements.

Highlights of the discussion were:

- *Relationships:* The importance of building relationships with their JCO's and attorneys. Many youth feel their experience with their JCO is impersonal. Although they understand the need for larger caseloads, they would like more frequent and longer visits to build a better relationship. Youth need to feel heard and know their opinion matters. JCO's need to know that if you are in the system, that you grew up around drug problems and family violence. When youth tell them about how their life was, how things happened, they need to listen. Youth feel that sometimes their JCO's don't find that to be significant. Youth need a straightforward and honest relationship. They want to understand what needs to be done to "fix it". Many youth feel that

- their JCO thinks that once they are in the system, they will always remain in the system.
- Court experience: Attorney visits are too short—many are only a few minutes prior to a court appearance which does not allow ample time to explain their story. They would like their attorney to take more time to prepare their case.
 - Trust/Honesty: Many youth come from backgrounds where trust and attachment are issues. They want to trust their JCO. Developing a meaningful and caring relationship with their JCO is important to gaining their trust. Youth want their JCO to be straight forward and honest. Some youth feel ‘tricked’ into “getting locked up”.
 - Family contact: Youth recognize the importance of family contact. Phone usage at the State Training School is minimal and expensive (\$10 for 30 minutes). Some families cannot afford to provide funds for their children to phone home.
 - Family visits: Some families drive hours to meet with their children, yet the visitation time is short. Youth would like to see longer and more flexible visitation hours. Some families need transportation assistance.
 - Positive reinforcement and overcoming their history: Many youth feel that their JCO punishes them further. Youth would like their JCO to understand that they need help and encouragement to turn things around. “You are here to help us get through the stuff we’ve been through.”
 - Communication: Youth would like their parents present so they all understand together. It is hard for youth to explain to their family what is going on when they themselves don’t understand. Information needs to be conveyed, and sometimes repeated, in a manner that they can understand. Youth want to understand their charges and what needs to be done to avoid further punishment. They want to know the ‘rules, regulations, violations’ and reasons for testing (U/A and DNA).
 - Appointments: The youth recommend that JCO’s involve parents in the appointment schedule rather than relying on the youth. Parents could help insure that kids attend. When youth don’t attend, warrants get issued.
 - Language barriers: Youth and families from other cultural backgrounds may have a minimal understanding of the English language. Sometimes, adults use ‘big words’. Youth and their families want to fully understand their violations and what is needed to get them ‘back on track’.
 - Brain development: Youth feel that adults and police officers look at youth behavior and overreact—which escalates the situation. “Adults/police officers should stop the kid and let them know it’s not an appropriate action/reaction. Some small things get taken out of context.” Kids aren’t miniature adults.
 - Youth don’t always realize when the JCO has their best interests. One youth was encouraged to participate in cross country track at Woodward Academy. When he returned home, he qualified for the state track meet. Another youth was kept at the State Training School and now has graduated from high school. Both youth credited their success to their JCO.

Following the presentation, the AMP youth and Council members engaged in a question/answer session. The following highlights that discussion:

- Illian assured the youth that Council members were knowledgeable in the area of adolescent brain development. The issue is part of the Council’s agenda.
- Jennifer Tibbetts asked how the informational papers were developed. Jessica Kropf, AMP facilitator, indicated that during AMP meetings she wrote down concerns as conveyed by the youth.
- Klobnak spoke of his tenure in adult correctional services. In the past, time spent with probationer/parolees was more flexible. He noted the amount of time now spent on paperwork/computer entry.
- Christy Burkhart assured the AMP youth of the deep amount of care, concern, and personal investment JCO’s have toward ‘their kids’. JCO’s share in the success of the youth on their caseloads. She wanted them to know the truth—JCO’s are crushed when things go wrong and excited when successful. She asked if youth understand that JCO’s are required by law

to write certain reports to the court and conduct assessments to determine what services are needed. Do you understand why you fill out these forms or take tests? Do you feel like we do a good job explaining this to you?

Sometimes the words are too big to understand. The youth didn't understand why he was sent to Woodward. Would feel better if they knew what was going to happen, when, and why. Talked about discharging October 9, but has a court hearing Jan 2. Confused about when he gets to leave. Wants to know exactly what is happening, what to do right, what would happen, and what needs to be done to get out.

- Jeremy Kaiser asked if it was common for youth to avoid their JCO's because they were afraid of taking a U/A. Youth responded that yes, they are afraid of going back to detention. Discussion focused on nationwide trends to decriminalize marijuana and that perhaps the focus should be on violent crimes. However, discussion encompassed the effects of marijuana use on the young brain and brain development. Instead of using detention, it was recommended that it may make more sense to refer to other resources such as substance abuse treatment. One of the AMP youth indicated that shorter periods of detention (days rather than months) would be better. It would allow the youth time to consider consequences, yet not be so harsh. Youth also stated that sometimes they experiment one time, yet their punishment is lengthy.

Illian thanked the AMP members for attending and their openness in sharing information.

Following the departure of the AMP members, the Council discussed various aspects of the presentation and possible legislative issues—JCO caseloads and contact hours; cost of phone use and better state contracts;

X. Unfinished Business - Iowa Code 279.68 (3rd Grade Retention)

XI. New Business

XII. Adjourn

The meeting adjourned at 2:15 p.m.

Respectfully submitted,

Julie Rinker
Administrative Secretary
Iowa Department of Human Rights
Div. of Criminal & Juvenile Justice Planning